

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

STRUDEL HOLDINGS LLC and
AVR AH LLC,
Debtors.

AVR AH LLC; STRUDEL HOLDINGS
LLC; CHARIF SOUKI; and KARIM
SOUKI, CHRISTOPHER SOUKI, and LINA
RIZZUTO, as Trustees of the SOUKI
FAMILY 2016 TRUST.

Plaintiffs,

v.

NINETEEN77 CAPITAL SOLUTIONS A
LP; BERMUDEZ MUTUARI, LTD;
WILMINGTON TRUST NATIONAL
ASSOCIATION, and UBS O'CONNOR
LLC,

Defendants.

Chapter 11

Case No. 23-90757 (CML)

(Jointly Administered)

Adv. Pro. No. 23-09003

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

Defendants Nineteen77 Capital Solutions A LP, Bermudez Mutuari, Ltd. (together with Nineteen77 Capital Solutions A LP, "Lenders"), Wilmington Trust National Association (the "Administrative Agent"), and UBS O'Connor LLC ("O'Connor" and together with Lenders and the Administrative Agent, "Defendants") hereby move for partial summary judgment pursuant to

Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 in favor of the Defendants on Counts 2, 3, 4, 6, 7, and 8 of the Objection to Claims and First Amended Complaint, dated August 2, 2023 (“FAC”), by Plaintiffs AVR AH LLC (“AVR”), Strudel Holdings LLC (“Strudel” and together with AVR, the “Debtors”), Charif Souki (“Souki”) in his individual capacity, and Karim Souki, Christopher Souki, and Lina Souki Rizzuto, as trustees of the Souki Family 2016 Trust (the “Trust” and together with the Debtors and Souki, “Plaintiffs”).

For the reasons set forth in the Memorandum of Law in Support of Defendants’ Motion for Summary Judgment, the Declaration of Harry F. Murphy in Support of Defendants’ Motion for Summary Judgment, and the exhibits to that declaration, all attached hereto, Plaintiffs request that the Court grant their motion, issue an order granting the relief requested therein, and grant all other relief the Court deems appropriate under the circumstances.

Dated: November 8, 2023

Respectfully,

ORRICK HERRINGTON &
SUTCLIFFE LLP

/s/ Darrell S. Cafasso

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed and served on all persons entitled to receive notice via operation of this Court's CM/ECF system on November 8, 2023.

/s/ Darrell S. Cafasso
Darrell S. Cafasso